

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
TERESA MONTES de OCA)
)
 v) No. 12-0163
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/)
charges in Chicago, Illinois.)

Chicago, Illinois
July 10, 2012

Met pursuant to notice at 11:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. TERESA MONTES de OCA
1041 North Karlov
Chicago, Illinois
appeared pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appeared for Respondent.

1 APPEARANCES: (Continued)

2

3 ALSO PRESENT:

4 MS. ITZAYANA MONTES de OCA,
5 Daughter of Complainant and
translator;

6 MR. MONTES de OCA,
7 Husband of Complainant.

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19 SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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2				Re-	Re-
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Cross</u>	<u>dir.</u>	<u>crx.</u>
4	NONE				<u>By</u>
5					<u>Examiner</u>
6					
7					
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9		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>			
10	<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>		<u>IN EVIDENCE</u>	
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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 12-0163. This is a complaint by Teresa
4 Montes de Oca versus Commonwealth Edison Company, as
5 to billing and charges Chicago, Illinois.

6 Ms. de Oca, do you speak English or do
7 you have -- do we need a translator here?

8 MS. ITZAYANA MONTES de OCA: Yeah.

9 JUDGE RILEY: Could you pull up a chair.

10 And, I'm sorry, you are
11 Ms. de Oca's --

12 MS. ITZAYANA MONTES de OCA: Daughter.

13 JUDGE RILEY: -- daughter.

14 And you are speaking with her
15 permission and translating for her?

16 Please answer verbally.

17 MS. ITZAYANA MONTES de OCA: Yeah.

18 JUDGE RILEY: Please inform Ms. de Oca that I
19 understand she is proceeding pro se, which means
20 without an attorney at this point. If she so
21 desires an attorney, she can have one file an
22 appearance at any time she wishes, but they have to

1 take the record as they find it. We can't go back
2 and start over again.

3 All I'm saying that if she so desires
4 to have an attorney, she doesn't have to have an
5 attorney, but if she wants to have an attorney
6 appear for her, she can do so.

7 MS. ITZAYANA MONTES de OCA: Okay.

8 JUDGE RILEY: And I need your name.

9 MS. ITZAYANA MONTES de OCA: Itzayana,
10 I-t-z-a-y-a-n-a.

11 JUDGE RILEY: Okay. Thank you.

12 Mr. Goldstein, would you enter an
13 appearance for the record, please.

14 MR. GOLDSTEIN: Yes.

15 For Commonwealth Edison Company,
16 Mark L. Goldstein, 3019 Province Circle, Mundelein,
17 Illinois 60060. My telephone number is
18 847-949-1340.

19 With me this morning is Erin Buechler
20 of ComEd.

21 JUDGE RILEY: I continued this matter from last
22 April, April 4, as a matter of fact, and

1 Ms. de Oca was complaining about a considerable
2 spike in her bill. And I see that from the
3 documents you submitted, the ComEd bills, that the
4 amount due on November 3, 2011, was \$242.76. And as
5 the end of the month, on November 30, the amount due
6 was \$7,390.82.

7 And would you ask Ms. de Oca whether
8 or not she ever received an explanation from
9 Commonwealth Edison as to why the increase?

10 MS. ITZAYANA MONTES de OCA: She called. They
11 told her that that was the bill.

12 JUDGE RILEY: That was the bill.

13 MS. ITZAYANA MONTES de OCA: Yeah, that's what
14 they told her.

15 JUDGE RILEY: Mr. Goldstein, what did
16 Commonwealth Edison find out?

17 MR. GOLDSTEIN: Yeah. This is a cancel and
18 rebill issue, Judge. The problem that we're having
19 is that we're not getting regular readings on
20 Ms. de Oca's meter. I assume it's because there's
21 some problem with the three dogs that you people
22 have. And we need to get regular reads before we

1 can try to even address any of the issues on the
2 back billing.

3 MS. ITZAYANA MONTES de OCA: They put estimated
4 in like May -- March.

5 MR. GOLDSTEIN: That's exactly the problem,
6 Judge, if I may interrupt.

7 JUDGE RILEY: Go ahead.

8 MR. GOLDSTEIN: We had a reading in January and
9 a reading in February. But for April, May, June, at
10 least the last three, we haven't been able to gain
11 access. This is not a situation, like Peoples Gas,
12 where ComEd has the ability to remotely read the
13 meter. We have to have access or at least the sight
14 line to the meter and we don't have that.

15 JUDGE RILEY: I'm not 100 percent sure that I
16 follow you. I don't know if the Complainant follows
17 either.

18 MR. GOLDSTEIN: We're having trouble reading the
19 meter. We're not getting regular reads. These are
20 estimated reads, a lot of estimated reads, and
21 there's some regular readings. What the problem is
22 is that there's an access problem because there's

1 animals in the yard by the meter.

2 JUDGE RILEY: There's something in the -- what
3 was in the yard?

4 MR. GOLDSTEIN: Animals. I said "dogs"
5 originally.

6 MS. ITZAYANA MONTES de OCA: Could my dad say
7 something?

8 JUDGE RILEY: I can certainly understand you.

9 MS. ITZAYANA MONTES de OCA: Can he say
10 something?

11 JUDGE RILEY: Sure. Yes.

12 MR. MONTES de OCA: Can I explain something.

13 JUDGE RILEY: I need to know who you are.

14 MR. MONTES de OCA: I'm the father and husband.

15 JUDGE RILEY: Okay. You're Mr. de Oca.

16 MR. MONTES de OCA: Yes.

17 JUDGE RILEY: Okay. Please go ahead.

18 MR. MONTES de OCA: Okay. ComEd he say he can't
19 come inside. Sometimes I see the guy go inside, but
20 sometimes when the ComEd he can't come inside he
21 take -- from the back alley, I see the guy a couple
22 of times, Hispanic guy, and check the meter with

1 something in the backyard. He reading the meter
2 with (indicating) in the alley.

3 JUDGE RILEY: It's like one of those remote
4 devices?

5 MR. GOLDSTEIN: No, he's talking about
6 binoculars.

7 MS. BUECHLER: If there's a clear sight line,
8 they can do that -- I'm sure they can do that if
9 they can't get into the yard. But I think we
10 haven't always had a clear sight line.

11 JUDGE RILEY: Mr. de Oca, are there animals in
12 the yard?

13 MR. MONTES de OCA: Yes.

14 JUDGE RILEY: And that is keeping the ComEd
15 meter readers out of the yard?

16 MR. MONTES de OCA: Sometimes, you know, the
17 people go inside and reading the meter. And it's
18 just -- when the guy, he can't go inside in the
19 house, I see a couple times the guy reading the
20 meter with the --

21 JUDGE RILEY: Binoculars.

22 MR. MONTES de OCA: Binoculars, yes.

1 I speak with the guy, Why you come
2 here? He say, Well, because I can't go inside. I
3 say, Okay. Because I see the guy a couple times
4 like (indicating).

5 JUDGE RILEY: What kind of animals are
6 keeping -- are these dogs?

7 MR. MONTES de OCA: Dogs.

8 JUDGE RILEY: How many dogs?

9 MR. MONTES de OCA: Three.

10 JUDGE RILEY: Three dogs. Okay.

11 MR. GOLDSTEIN: Let me suggest this as an
12 alternative, Judge. In order to see if the back
13 bill is appropriate, we need to get more regular
14 readings of Ms. de Oca's electric meter.

15 JUDGE RILEY: I thought that's what you were
16 going to do last time.

17 MR. GOLDSTEIN: We're trying to do that, but I
18 didn't realize that we weren't getting access.

19 So as an alternative what I think we
20 ought to do is, as part of the electric bill that we
21 send out to Ms. de Oca there'll be a card with it
22 where either Mr. de Oca, his wife or the daughter

1 can read the meter and call in the readings to
2 ComEd.

3 We really need more meter readings,
4 actual meter readings. And if that works then we
5 can come a long way in trying to resolve this.

6 JUDGE RILEY: Can you translate that for your
7 mother.

8 MR. MONTES de OCA: Can I say one more question.

9 JUDGE RILEY: Certainly.

10 MR. MONTES de OCA: Because I think, like, 2010,
11 my meter broke and I speak with the Company for,
12 like, five months. The Company they don't put the
13 meter, five or six months. And I pay \$200 a month
14 from November, December because I -- he can't go
15 inside and check the meter.

16 And in February -- I pay \$200 each
17 month. I don't care what the price. I think it's
18 in February 2011, he charges me 1,000 something more
19 of the \$200. I say, Okay. Because he say, I can't
20 see the meter. You got no meter for six months, you
21 know.

22 JUDGE RILEY: Your meter was broken?

1 MR. MONTES de OCA: Yeah. And I call all the
2 time with -- my wife call all the time, Hey, please,
3 it's dangerous over here because my daughters and my
4 sons play over here. And ComEd says, Later, later.
5 You know, like for six months broken meter.

6 JUDGE RILEY: What Mr. Goldstein --

7 MR. MONTES de OCA: And he's saying, like, in
8 January, February it's 1,000 more. I say, Why it's
9 1,000 more? Because I don't see the meter. Okay.
10 And I make a payment -- I make my month, I pay \$72
11 each month more for the \$1,000. Three months he say
12 7,000 more. I say, What?

13 JUDGE RILEY: But that's what the bill is as of
14 November 30 last year. It spiked from \$242 on
15 November 3rd, 2011, to \$7,390 on November 30.
16 That's in less than a month.

17 And you say that's due to cancel --

18 MR. GOLDSTEIN: Yeah, cancel and back bill.

19 We don't see anything in our records
20 that we have here today, Judge, that indicates that
21 the de Oca meter was broken and replaced. I'm not
22 saying it wasn't. I'm just saying I don't see

1 anything with the information that we have available
2 today.

3 JUDGE RILEY: That's understood.

4 MR. GOLDSTEIN: We'll check into that.

5 JUDGE RILEY: But what you need in the meantime
6 is more actual readings.

7 MR. GOLDSTEIN: Yes, at least two more.

8 JUDGE RILEY: At least two more?

9 MR. GOLDSTEIN: Yes.

10 So what I suggest is, we're going to
11 have a card, along with the bill, and the de Ocas
12 could read the meter themselves.

13 JUDGE RILEY: All right. So within the regular
14 billings that are going to go out, you'll have a
15 card attached to it.

16 MR. GOLDSTEIN: Yes.

17 JUDGE RILEY: And the de Ocas can read their own
18 meter and send the figures back into ComEd.

19 Can you translate that for your
20 mother.

21 Let the record reflect that the
22 Complainant's daughter translated the information to

1 her mother and has been translating the information
2 to her mother during the course of this proceeding.

3 Then we need another date to give
4 ComEd time to get a couple more readings?

5 MR. GOLDSTEIN: Yes.

6 Let me suggest this, Judge. It
7 appears that the bills go out around the 9th or 10th
8 of the month. Perhaps, October 16th, if that's
9 available, that might be a good date to come back,
10 if that is agreeable to the de Ocas.

11 MS. ITZAYANA MONTES de OCA: Yeah, it's okay.

12 JUDGE RILEY: Let me check one thing very
13 quickly. I have a matter up that date, but I didn't
14 notate the time.

15 MR. GOLDSTEIN: Do you want to change it to the
16 17th, Judge?

17 JUDGE RILEY: That's a Bench date. Let's do it
18 the 16th.

19 We're off the record.

20 (Whereupon, a short
21 recess was taken.)

22 JUDGE RILEY: Back on the record.

1 The matter that I have up on the 16th
2 is at 10:00 a.m., so we'll set this for 11:00.

3 MR. GOLDSTEIN: All right. That's fine.

4 JUDGE RILEY: That will be for status again.

5 It will not be a hearing. It will be
6 another status session. It'll be just like the
7 session we had here.

8 MS. ITZAYANA MONTES de OCA: Can you explain to
9 me a little --

10 JUDGE RILEY: What's the difference between a
11 status and a hearing or --

12 MS. ITZAYANA MONTES de OCA: Yeah.

13 JUDGE RILEY: The status is just to find out
14 where we are in this case. It's an informal
15 conversation to find out what ComEd has learned
16 about your meter readings and, you know, where we go
17 from here.

18 If we go to an evidentiary hearing,
19 it'll be a formal process where you bring in your
20 documents. We'll mark exhibits, have testimony,
21 that kind of thing. But for now, we're just having
22 these conversations.

1 That's what a status is, just to find
2 out where we are. That's all we're going to do in
3 October.

4 MS. ITZAYANA MONTES de OCA: Thank you.

5 JUDGE RILEY: Was there anything else?

6 MR. GOLDSTEIN: I have nothing else, Judge.

7 MR. MONTES de OCA: We got other session. We
8 got to come one more time?

9 JUDGE RILEY: One more time, right.

10 MR. MONTES de OCA: Let me explain only one more
11 time.

12 This is the bill June 9 for \$1,080 and
13 three months later he say, like, 7,000 and
14 something.

15 JUDGE RILEY: I understand that.

16 MR. MONTES de OCA: Not for 7,000 (sic). We got
17 our neighborhood and I got to go for (inaudible) --
18 and three years you can't pay \$7,000 in three years.
19 This is impossible that you need to pay 7 or \$8,000
20 in three months.

21 JUDGE RILEY: Well, let's see what Commonwealth
22 Edison can find out between now and October 16th and

1 see if it can go towards solving the problem. But
2 that's where we are right now.

3 So I will have the Clerk's Office send
4 a formal notice reminding you of the date and the
5 time.

6 MR. MONTES de OCA: Okay.

7 JUDGE RILEY: And we'll reconvene on
8 October 16 at 11:00 a.m. and we'll see where we are
9 at that time.

10 Thank you.

11 (Whereupon, the above-entitled
12 matter was continued to
13 October 16, 2012, 11:00 a.m.)

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